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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 30 April 2007* from the Permanent Mission of Mauritius to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Mauritius to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit herewith the actions taken by the Government of Mauritius with a view to implementing Security Council resolution 1540 (2004) (see annex).

* Received by the Secretariat on 2 November 2007.

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Annex to the note verbale dated 30 April 2007 from the Permanent Mission of Mauritius to the United Nations addressed to the Chairman of the Committee

National report on the implementation of resolution 1540 (2004)

1. Introduction

1.1 The Security Council of the United Nations, in its resolution 1540 (2004), decided, inter alia, that all States should adopt and enforce appropriate and effective legislation which would prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. The resolution also provides that all States should take and enforce effective measures to establish domestic controls to prevent the proliferation of such weapons and their means of delivery.

2. Measures implemented in Mauritius

2.1 Mauritius fully supports the international initiative in favour of the non-proliferation of nuclear, chemical and biological weapons and strongly believes that all weapons of mass destruction should be eliminated, given that they constitute a great threat to national and international peace and security. No support is provided to any entity, whether a State or non-State actor, attempting to develop, manufacture, acquire, possess, transport, transfer or use weapons of mass destruction and their means of delivery. To show its commitment, Mauritius has signed and ratified international treaties/conventions and has amended as well as enacted domestic laws with a view to fighting terrorism and fostering global peace. The treaties which have been signed are as follows:

(a) The Geneva Protocol of 1925 (signed in 1971);

(b) The Treaty of Pelindaba (African Nuclear-Weapon-Free Zone Treaty) (signed in 1996);

(c) The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed in 1972;

(d) The Convention on the Prohibition of the Development, Production Stockpiling and Use of Chemical Weapons and on Their Destruction, signed in 1993;

(e) The Treaty on the Non-Proliferation of Nuclear Weapons, signed in 1969.

Mauritius has also been a member of the International Atomic Energy Agency since 1974.

2.2 Mauritius ratified the Biological and Toxin Weapons Convention in 1972. In 2004, the Biological and Toxin Weapons Convention Act came into force to give effect to the Convention. Under this Act, the Mauritius Police Force is empowered for search, detention and forfeiture of any material relating to biological and toxin weapons; the Act also lays down the penalties applicable in case any offence is committed under this Act. Section 5 of the Act, which is entitled "Prohibition

relating to biological and toxin weapons", provides that no person shall develop, produce, stockpile or otherwise acquire or retain:

(a) Any microbial or other biological agent, or toxin, of any type and in a quantity that has no justification or prophylactic, protective or other peaceful purposes;

(b) Any weapon, equipment or means of delivery designed to use microbial or biological agents, or toxins, for hostile purposes or in armed conflict;

(c) No person shall transfer any biological agent or toxin to another person, where he knows or has reason to believe that the biological agent or toxin is likely to be kept or used otherwise than for prophylactic, protective or other peaceful uses.

2.3 Section 7 of the Biological and Toxin Weapons Convention Act 2004, entitled "Prohibitions", provides that no person shall:

(a) Develop, produce, acquire, stockpile or retain a chemical weapon;

(b) Directly or indirectly transfer or trans-ship a chemical weapon to any other person;

(c) Use a chemical weapon;

(d) Engage in any military preparation to use a chemical weapon;

(e) Assist, encourage or induce, in any way, a person to engage in any activity prohibited to a State Party under the Convention;

(f) Use a riot control agent as a method of warfare;

(g) Shall develop, produce, acquire, retain, transfer or use a toxic chemical or its precursor except for purposes not prohibited under the Convention.

2.4 The above-mentioned provisions also extend to any act done outside Mauritius either by a citizen of Mauritius or by any person on-board a Mauritian ship or Mauritian aircraft.

2.5 In addition to this, Mauritius has also been a party to the Chemical Weapons Convention since 1997, and the Chemical Weapons Convention Act came into force in 2003 to give effect to the Convention. This Act provides, inter alia, for the establishment of a Mauritius National Chemical Weapons Authority with the following functions:

(a) To be the national authority for Mauritius and serve as the national focal point for effective liaison with other States Parties to the Convention and the Organization for the Prohibition of Chemical Weapons (OPCW);

(b) To supervise and monitor the enforcement of this Act through systems established under the Act or by way of regulations;

(c) To gather the data to be reported in the initial and, as appropriate, annual declarations to OPCW;

(d) To supervise the implementation of the Convention;

(e) To provide OPCW and States Parties with relevant information in the fulfilment of the State's obligations under the Convention;

(f) To facilitate and cooperate in inspections under the Convention, including accompanying OPCW inspectors on international routine inspections and international challenge inspections.

2.6 The express prohibitions on aiding and abetting in the Biological and Toxin Weapons Convention Act 2004 and the Chemical Weapons Convention Act 2003, as well as the prohibitions on aiding and abetting the commission of any offence, mean that assisting or acting as an accomplice to the prohibitions would constitute an offence under Mauritian law.

2.7 In addition to this, there are other laws which have been enacted with a view to implementing the provisions of the resolution, namely:

(a) The Criminal Code Act;

(b) The Customs Act 1998;

(c) The Freeport Act 2004;

(d) The Food Act 1998;

(e) The Environment Protection Act.

2.8 It is to be noted that it is also proposed to make certain amendments to the Radiation Protection Act 2003 to cater for the provisions made under resolution 1540 (2004) so that attempts to develop, manufacture, acquire, possess, transport, transfer or use nuclear weapons and their means of delivery, as well as participation or any form of assistance in the financing of such activities, would constitute an offence under Mauritian law. Moreover, there will be the setting up of a Radiation Protection Authority, which will be responsible for implementing the provision laid down under the Treaty on the Non-Proliferation of Nuclear Weapons.

2.9 In addition to this, the Government of Mauritius has also taken certain other operational measures related to the prohibition of nuclear, chemical and biological weapons, such as:

(a) The Police and the Customs Department have stepped up security at the port and airport so that all persons entering the country, as well as imported articles in containers or parcels, are thoroughly checked;

(b) The Passport and Immigration Office regularly updates the list of persons/organizations that are suspected to be involved in illegal activities, and their access to the country is prohibited;

(c) It is the policy of the Government of Mauritius to prohibit the arrival/transit of nuclear weapons on our territory.

3. Conclusion

3.1 Mauritius is fully committed towards the implementation of the provisions laid down under resolution 1540 (2004), and the different stakeholders are working in collaboration by strict adherence to the existing laws which prohibit any development, manufacture, possession, transport, transfer or use of chemical, nuclear or biological weapons and their means of delivery. Mauritius is also a party to a number of conventions and treaties, which indicates that it has taken necessary measures to contribute to the non-proliferation of weapons of mass destruction and their means of delivery.